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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,) No. CR-05-00622 JSW
12 Plaintiff,)
13 vs.)
14 STEVEN WILLIAMS,)
15 Defendant.)

16

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE TRIAL DATE**

Date: January 9, 2006
Time: 8:30 a.m.
Court: The Honorable Jeffrey S. White

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Undersigned counsel stipulate as follows:

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1. Trial in this matter is currently set for January 9, 2006;

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2. Counsel for Mr. Williams recently completed a trial before Judge Breyer, and has
not yet began to prepare pretrial filings for the aforementioned case;

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3. Counsel for Mr. Williams and counsel for the United States have yet to meet
regarding confidential informant disclosure, which is largely due to Mr. Falk's
unavailability over the past two weeks due to trial and a death in the family;

- 1 4. Counsel for Mr. Williams hereby declares and believes that Mr. Williams would
2 be severely prejudiced should this Court not grant a continuance of the trial.
3 Counsel has not been available to provide Mr. Williams' case with the attention it
4 deserves due to the recent trial and a death in her family;
- 5
- 6 5. Mr. Williams does not object to said request for a continuance, and hereby attests
7 through counsel that his rights would be compromised should this court force the
8 matter to trial on January 9, 2006. If the Court were to force pretrial filings to be
9 complete before confidential informant discovery is complete, then Mr. Williams'
10 rights to exclude evidence may be compromised;
- 11
- 12 6. Counsel for Mr. Williams also wishes to alert the Court that the Guidelines for
13 this case are extremely high. This case is potentially a mandatory life
14 imprisonment case should the defendant lose. As such, time for careful and
15 complete trial preparation is essential for Mr. Williams' constitutional rights to be
16 adequately protected. To rush trial in this matter would be highly detrimental to
17 Mr. Williams under these circumstances, as he will likely be sentenced to life
18 imprisonment should he be convicted;
- 19
- 20 7. Counsel also wishes to alert the court about several scheduling problems that exist
21 for both parties during the months of January, February, and March;
- 22
- 23 8. Defense counsel is scheduled to take Rule 15 depositions in the Republic of
24 Cyprus, in the matter of *United States v. Vega*, CR-04-101 CRB. In that case,
25 Judge Breyer has ordered that said depositions take place as soon as possible,
26 given the age of the case and the need for it to proceed to trial. This case has been

1 pending since June of 2004. These depositions are currently being scheduled for
2 the week of January 16, 2006 and January 23, 2006;

3
4 9. Counsel for the government, Susan Jerich, will be out of the state on January 23-
5 27, 2006 for an attorney training at the National Center for Missing and Exploited
6 Children in Washington D.C.;

7
8 10. Both government counsel and defense counsel are currently scheduled before the
9 Honorable Charles R. Breyer for trial on February 13, 2006, *United States v.*
10 *Rangel and Solis*, CR-05-555 CRB. In this matter, Ms. Falk represents a 20-year-
11 old pregnant woman who is a legal permanent resident of this country, accused of
12 distributing a kilogram of cocaine. Should Ms. Solis lose this trial, she will be
13 immediately deportable and precluded from returning to this country, forever
14 separated from her family in the United States. As such, it is a trial with
15 extremely serious consequences for a very young woman, and Ms. Falk will need
16 adequate time exclusively preparing for this trial;

17
18 11. Ms. Falk will also be unavailable between February 28, 2006 and March 24, 2006,
19 as she will be out of the country on her honeymoon that she was unable to take in
20 October and November due to scheduling conflicts. This trip has been scheduled
21 for several months, and would be extremely difficult to reschedule, given that the
22 time for the trip has also been reserved by her husband, who has an extremely
23 demanding schedule as a senior associate at the law firm of Orrick, Herrington &
24 Sutcliffe LLP;

25
26 12. Counsel for the government attests that there are 63 days remaining on the Speedy

1 Trial calendar beyond the January 9, 2006 trial date;

2
3 13. Counsel thus jointly stipulate and request this honorable Court to vacate the
4 pretrial conference date of December 19, 2006, as well as the trial date of
5 January 9, 2006;

6 14. Counsel jointly recommends the following schedule to this Court, and respectfully
7 request the Court to adopt the following schedule if the Court is available and
8 amenable;

9 Pretrial: Monday, February 27, 2006, commencing at 10:00 a.m.

10 Trial: Monday, April 4, 2006, commencing at 8:30 a.m.

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12 15 Counsel jointly requests that the time between January 9, 2006 and April 4, 2006
13 be excluded from the time requirements of the Speedy Trial Act based upon the
14 following factors, 18 U.S.C. § 3161(h)(8)(A) § (b)(i)(ii)(iv):

- 15 a.) Ms. Falk's unavailability due to foreign depositions in Cyprus between
16 January 16, 2006 - January 27, 2006;
- 17 b.) Ms. Falk's unavailability due to Ms. Falk's need to adequately prepare for
18 a separate trial scheduled on February 13, 2006;
- 19 c.) Due diligence and the need for Ms. Falk to effectively prepare the instant
20 case, which is complex. As previously stated, this case is one in which
21 Mr. Williams will face life imprisonment if he loses. Should the court
22 rush defense counsel to trial, Mr. Williams' constitutional rights will be
23 compromised;
- 24 d.) Ms. Falk's unavailability between February 28, 2006 and March 24, 2006
25 due to foreign travel.

26 \\

1 **IT IS SO STIPULATED**

2 Dated: December 8, 2005

/S/ _____
3 ELIZABETH M. FALK
Assistant Federal Public Defender

4
5 Dated: December 8, 2005

/S/ _____
6 SUSAN R. JERICH
Assistant United States Attorney

7 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
“conformed” signature (/S/) within this e-filed document.

8
9 **[PROPOSED] ORDER**

10 GOOD CAUSE APPEARING, it is hereby ORDERED that the pretrial conference date
11 in the aforementioned matter set for December 19, 2005, as well as the trial date set for January
12 at 2:00 p.m. on the
13 9, 2006 are hereby vacated. The pretrial conference shall be rescheduled to occur ~~on the~~
14 27th day of February, 2006, and the trial shall be rescheduled to occur on the
15 3rd day of April, 2006. at 8:30 a.m.

16 **THERE SHALL BE NO FURTHER CONTINUANCES OF THESE DATES.**

17 Based on the facts stated in this stipulation, and for good cause appearing, IT IS
18 HEREBY ORDERED that the time between January 9, 2006 and April 4, 2006 is hereby
19 excluded from the time requirements of the Speedy Trial Act. The Court finds that such
20 exclusion is appropriate in light of the unavailability of counsel; the need for effective
21 preparation of counsel, taking into account due diligence, and the complexity of the case in that
22 the case is one in which Mr. Williams faces a possible sentence of life imprisonment. 18 U.S.C.
23 § 3161(h)(8)(A) § (b)(i)(ii)(iv)

24 **IT IS SO ORDERED**

25 Dated: December 9, 2005


26 THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE